

FLOOR SCHEDULE FOR THURSDAY, NOVEMBER 14, 2013

HOUSE MEETS AT:	FIRST VOTE PREDICTED:	LAST VOTE PREDICTED:
10:00 a.m.: Morning Hour 12:00 p.m.: Legislative Business Fifteen "One Minutes"	2:30 – 3:00 p.m.	3:00 – 3:30 p.m.

**Members are advised that today, the House is only expecting one series of votes.

Motion to go to Conference on [H.R. 3080](#) – Water Resources Development Act of 2013 (Rep. Shuster – Transportation and Infrastructure/Budget/Ways and Means/Natural Resources) and **Democratic Motion to Instruct Conferees**

[H.R. 2655](#) – Lawsuit Abuse Reduction Act of 2013 (Rep. Smith (TX) – Judiciary) (One Hour of Debate). This bill would change Rule 11 of the Federal Rules of Civil Procedure to require that courts impose sanctions on parties that violate the prohibition on the filing of frivolous lawsuits. Rule 11 currently leaves the imposition of sanctions to the discretion of the judge.

This bill represents a reinstatement of discredited rules that were previously in effect, from 1983 – 1993, and triggered almost 7,000 Rule 11 filings, compared with just 19 such filings from 1938 to 1983, when sanctions were not required. Reenactment of these rules would do the exact opposite of their claimed intent, leading to further litigation that is spurred by the prospect of mandatory sanctions and monetary compensation for attorneys’ fees.

The bill specifies that sanctions against parties that file frivolous lawsuits must include monetary payments to the other party for that party's expenses, including attorneys' fees and other costs, discrediting the judicial system by assuming judges are incapable of appropriately punishing abusive lawsuits. The bill would also eliminate the “safe harbor” provisions of Rule 11, under which a motion for sanctions will not be pursued if the challenged filing is withdrawn or corrected within 21 days of service of the motion for sanctions.

This bill would have a wide-ranging impact on civil rights cases, which often involve an "argument for the extension, modification or reversal of existing law or the establishment of a new law," and often have relied upon novel legal theories that are particularly susceptible to abusive claims of frivolity by defendants. Had the provisions in H.R. 2655 been in place at the time, they could have discouraged a number of landmark civil rights cases, including Brown v. Board of Education of Topeka, and they could prevent new cases from ever being considered.

The Rule, which was adopted yesterday, provides for a closed Rule and one hour of general debate. **Members are urged to VOTE NO.**

Bill Text for H.R. 2655:

[PDF Version](#)

Background for H.R. 2655:

[House Report \(HTML Version\)](#)

[House Report \(PDF Version\)](#)

TOMORROW’S OUTLOOK

The GOP Leadership has announced the following schedule for Friday, November 15: The House will meet at 9:00 a.m. for legislative business. The House is expected to consider [H.R. 3350](#) – “Keep Your Health Plan Act of 2013” (Rep. Upton – Energy and Commerce/Ways and Means) (Subject to a Rule).



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THE DAILY WHIP

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The Daily Quote

"Speaker John A. Boehner dashed the hopes of Democrats and advocates of a comprehensive [immigration reform] approach on Wednesday, when he appeared to close off the avenue most likely to succeed — going to conference on the Senate's immigration bill. 'Frankly,' Boehner told reporters, GOP leaders 'have no intention of ever going to conference' with the Senate-passed comprehensive immigration overhaul bill, even if Republicans pass a bill of their own."

- Roll Call, 11/13/13